

10-16-03

RCE/2700

PTO/SB/30 (09-03)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/512,592
Filing Date	02/23/2000
First Named Inventor	Dickens, Bruce M.
Art Unit	2177
Examiner Name	J. Homere
Attorney Docket Number	

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Technology Center 2100

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

**3. Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 770.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Bruce M. Dickens	Registration No. (Attorney/Agent)	
Signature	<i>Bruce M. Dickens</i>	Date	10/15/2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## Instruction Sheet for RCEs

(not to be submitted to the USPTO)

### NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

#### **Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

#### **Filing Requirements:**

***Prosecution in the application must be closed.*** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

***A submission and a fee are required at the time the RCE is filed.*** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

### WARNINGS:

#### **Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

#### **Improper RCE will NOT toll Any Time Period:**

***Before Appeal*** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

***Under Appeal*** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.



October 15, 2003

Box: AF

Assistant Commissioner for Patents  
Washington, DC 20231

Via: Express Mail

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*30*  
*rh*  
*10-29*

Dear Commissioner:

Enclosed is a Response to the Office Action in the merged proceedings dated April 16, 2003:

<b>Reissue Application No.:</b>	)	<b>Group Art Unit: 2177</b>
09/512,592	)	
<b>United States Patent No.:</b>	)	<b>Examiner: Jean Homere</b>
5,806,063	)	
<b>Issued: September 8, 1998</b>	)	
<b>Applicant:</b>	)	
Bruce M. Dickens	)	
<b>Reexamination Proceeding:</b>	)	
90/005,592	)	
<b>Filed: December 21, 1999</b>	)	
<b>Reexamination Proceeding:</b>	)	
90/005,628	)	
<b>Filed: February 2, 2000</b>	)	
<b>Reexamination Proceeding: )</b>	)	
90/005,727	)	
<b>Filed: May 16, 2000</b>	)	

which consists of:

Certificate of Mailing under 37 C.F.R. § 1.10

Certificate of Service

Request for Continuing Examination ✓

Response to Office Action ✓

Declaration of Mark Winner ✓

Supplemental Reissue Declaration ✓

Substitute Specification ✓

Request for Extension of Time ✓

Check in the amount of \$770.00 and a check in the amount of \$1,480.00

Return Receipt Postcard.

Regards,

*Bruce M. Dickens*

Bruce M. Dickens

949-857-1487



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Technology Center 2100

BOX: AF

Assistant Commissioner for Patents

Washington, DC 20231

**CERTIFICATE OF MAILING UNDER 37 CFR §1.10**

**Re: Response to Office Action in the merged proceedings:**

**Reissue Application No.:** ) **Group Art Unit: 2177**

09/512,592 )

**United States Patent No.:** ) **Examiner: Jean Homere**

5,806,063 )

**Issued: September 8, 1998** )

**Applicant:** )

Bruce M. Dickens )

**Reexamination Proceeding:** )

90/005,592 )

**Filed: December 21, 1999** )

**Reexamination Proceeding:** )

90/005,628 )

**Filed: February 2, 2000** )

**Reexamination Proceeding:** )

90/005,727 )

**Filed: May 16, 2000** )

I hereby certify that on the below noted date I placed the below listed items in U.S. Post Office Express Mail Service "Post Office to Addressee," addressed as noted above:

Express Mail No.: ER 31032 8085 45

Commissioner Cover Letter

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Request for Continuing Examination

Response to Office Action

Declaration of Mark Winner

Supplemental Reissue Declaration

Substitute Specification

Request for Extension of Time

Check in the amount of \$770.00 and a check in the amount of \$1480.00

Certificate of Service By Mail

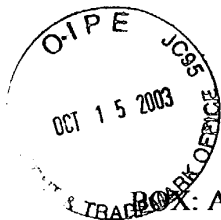
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*Bruce M. Dickens*

Bruce M. Dickens

949-857-1487

October 15, 2003



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90/005,727 )

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Commissioner Cover Letter

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Bruce M. Dickens

Bruce M. Dickens

949-857-1487

October 15, 2003



CERTIFICATE OF SERVICE BY MAIL

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**Group Art Unit:** 2177

**Examiner:** Jean Homere

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I hereby certify that I have served the following on the below listed counsel of record by placing same in a first class mail envelope addressed to the below listed addresses with appropriate postage affixed and deposited with the United States Post Office:

Cover Letter to Commissioner

Certificate of Mailing under 37 C.F.R. § 1.10

Certificate of Service

Request for Continuing Examination

Response to Office Action

Declaration of Mark Winner

Supplemental Reissue Declaration

Substitute Specification

Request for Extension of Time

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Alexandria, VA 22314

*Bruce Dickens*

Bruce Dickens

949-857-1487

October 15, 2003